

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

-vs-

JAMES DEAN CLOUD,

Plaintiff,

Defendant.

Case No. 1:19-CR-2032-SMJ-1
CRIMINAL MINUTES

DATE: MARCH 2, 2022

LOCATION: SPOKANE

JURY TRIAL – DAY TWO

Hon. Salvador Mendoza, Jr.

Linda Hansen Courtroom Deputy	01/02 Law Clerk	Kimberly Allen Court Reporter
Richard Burson Thomas Hanlon Government Counsel	Jay McEntire Lorinda Youngcourt Jeremy Sporn Defense Counsel	

Open Court

Chambers

Teleconference

Defendant present, in custody of the US Marshal. All parties present in the courtroom.

8:15 am
All parties present
w/o Jury

Jay McEntire addressed the Court regarding witness EZ. Mr. McEntire made a motion to exclude the testimony of EZ or in the alternative have the Court issue a jury instruction. Richard Burson addressed the Court. Information shall be provided to the Court for review.

Mr. Burson addressed the Court regarding an additional exhibit.

The Court and counsel discuss the process for counsel to refresh a witnesses' recollection.

ORDER FORTHCOMING

CONVENED: 8:15 A.M.	RECESSED: 8:49 A.M.	34 MINS	TOTAL: 5 HRS /18 MINS
RECONVENED: 9:04 A.M.	RECESSED: 9:48 A.M.	44 MINS	
RECONVENED: 10:10 A.M.	RECESSED: 10:16 A.M.	5 MINS	
RECONVENED: 10:32 A.M.	RECESSED: 11:41 A.M.	1 HR / 9 MINS	
RECONVENED: 1:12 P.M.	RECESSED: 3:15 P.M.	2 HR / 3 MINS	
RECONVENED: 3:38 P.M.	RECESSED: 4:01 P.M.	24 MINS	
RECONVENED: 4:06 P.M.	ADJOURNED: 5:05 P.M.	19 MINS	

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8:35 am Jury brought into open court.

All parties present

w/Jury

Troy Ribail, FBI Special Agent, sworn to testify

Direct examination by Richard Burson.

Recessed: 8:49 am

Reconvened: 9:04 am

All parties present

w/Jury

Troy Ribail, FBI Special Agent, resumed the stand, previously sworn to testify

Exhibits 47, 60, 61, 62, 29, 64, 65, 30, 66, 31, 68, 69, 67, 25, 56, 26, 53, 20, 72, 26, 73, 27, 74, 76, 20, 77, 32, 27, 79, 19, 15, 16, 81, 28, discussed with the witness.

Mr. Burson offered Government's Identification 29 (Shotshell WSP #8) for admission.
No objection by defendant.

Court: Government's Exhibit 29 is admitted.

Mr. Burson offered Government's Identification 30 (Shotshell WSP #9) for admission.
No objection by defendant.

Court: Government's Exhibit 30 is admitted.

Mr. Burson offered Government's Identification 31 (Shotshell WSP #10) for admission.
No objection by defendant.

Court: Government's Exhibit 31 is admitted.

Mr. Burson offered Government's Identification 25 (.22 Casing WSP #12) for admission.
No objection by defendant.

Court: Government's Exhibit 25 is admitted.

Mr. Burson offered Government's Identification 26 (.22 Casing WSP #15) for admission.
No objection by defendant.

Court: Government's Exhibit 26 is admitted.

Mr. Burson offered Government's Identification 20 (Swabs) for admission.
No objection by defendant.

Court: Government's Exhibit 20 is admitted.

Mr. Burson offered Government's Identification 27 (.22 Casing WSP #17) for admission.
No objection by defendant.

Court: Government's Exhibit 27 is admitted.

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Mr. Burson offered Government's Identification 19 (Swabs) for admission.
No objection by defendant.

Court: Government's Exhibit 19 is admitted.

Mr. Burson offered Government's Identifications 15 and 16 (Cigarettes) for admission.
No objection by defendant.

Court: Government's Exhibits 15 and 16 are admitted.

Mr. Burson offered Government's Identification 28 (.22 Casing WSP #27) for admission.
No objection by defendant.

Court: Government's Exhibit 28 is admitted.

The Court admonished the Jury.

Recessed: 9:48 am

Reconvened: 10:10 am

All parties present

w/Jury

Troy Ribail, FBI Special Agent, resumed the stand, previously sworn to testify

The Court will take an extended recess due to technical problems.

10:12 am Jury excused from open court directed to return at 1:30 pm

All parties present

w/o Jury

Court advised counsel that we may need to move courtrooms due to technical problems.

Recessed: 10:16 am

Reconvened: 10:32 pm

All parties present

w/o Jury

Troy Ribail, FBI Special Agent, resumed the stand, previously sworn to testify

Examination of the witness by the Court.

Examination of the witness by Jay McEntire.

Examination of the witness by Tom Hanlon.

Additional examination by Mr. McEntire and Mr. Hanlon.

Witness steps down

11:21 am E.Z. sworn to testify (accompanied by her counsel, Attorney Roger Peven)

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Examination by Jay McEntire.

Examination by Tom Hanlon.

Additional examination by Mr. McEntire.

Witness steps down

Mr. McEntire addressed the Court.

The Court will take the matter under advisement.

The trial will continue in Courtroom 901.

Recessed: 11:41 am
Reconvened: 1:12 pm
All parties present
w/o Jury

E.Z. resumed the stand, previously sworn to testify (accompanied by her counsel, Attorney Roger Peven)

The Court questioned the witness.

Witness steps down

Mr. McEntire addressed the Court and made an oral motion to dismiss the case.

Mr. Hanlon addressed the Court.

1:40 pm Troy Ribail, FBI Special Agent, resumed the stand, previously sworn to testify

The Court questioned the witness.

Witness steps down

The Court addressed the parties and will exclude witness EZ from testifying.

The Court will sanction the Government and make a specific finding of a Brady violation.

Regarding witness Mr. Hoffman, the Court finds no violation and may proceed with testimony.
A written order will be forthcoming.

Jay McEntire offered Defendant's identification 1030 (Copy of text messages) for admission.
No objection by Government.

Court: Exhibit 1030 is admitted.

Jay McEntire offered Defendant's identification 1031 (Copy of email exchange with Attorney Roger Peven) for admission.
No objection by Government.

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Court: Exhibit 1031 is admitted.

Jay McEntire offered Defendant's identification 1032 for admission.

No objection by Government.

Court: Exhibit 1032 is admitted.

Admission 1030 text messages 1031 email exchange, 1032 state charges- filed under seal
Court:

1:50 pm Jury brought into open court

All parties present

w/ Jury

Troy Ribail, FBI Special Agent, resumed the stand, previously sworn to testify

Continued Direct examination by Richard Burson

Exhibits 21, 45, 53, 9, 10, 12, 98, 101 discussed

Mr. Burson offered Government's Identification 21 (Photographic Line-Up) for conditional admission.

No objection by defendant.

Court: Government's Exhibit 21 is conditionally admitted.

Mr. Burson offered Government's Identification 9 (Green purse) for admission.

No objection by defendant.

Court: Government's Exhibit 9 is admitted.

Mr. Burson offered Government's Identification 10 (Identification Card) for admission.

No objection by defendant.

Court: Government's Exhibit 10 is admitted.

Mr. Burson offered Government's Identification 12 (Jim Beam Bottle) for admission.

Voir Dire by Ms. Youngcourt. No objection by defendant.

Court: Government's Exhibit 12 is admitted.

Mr. Burson offered Government's Identification 11 (Rifle) for admission.

2:12 pm Jury excused from open court

All parties present

w/o Jury

Ms. Youngcourt presented an objection to Exhibit 11.

Court: Overruled

2:16 pm Jury brought into open court

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Exhibits 11, 115, 128, 23, 119, 17, 18, 129, 14A, 126, 8, 8A, 8B, 42 discussed with the witness

Mr. Burson offered Government's Identification 115 (Photograph of rear-view mirror) for admission.

No objection by defendant.

Court: Government's Exhibit 115 is admitted.

Mr. Burson offered Government's Identification 128 (Rear view mirror) for admission.

No objection by defendant.

Court: Government's Exhibit 128 is admitted.

Mr. Burson offered Government's Identification 23 (Photograph of James Cloud) for admission.
Voir dire by Ms. Youngcourt. Objection by defendant.

Court: Government's Exhibit 23 is admitted over objection.

Mr. Burson offered Government's Identification 119 (Photograph of Donovan Cloud) for admission.

Voir dire by Ms. Youngcourt. Objection by defendant.

Court: Government's Exhibit 119 is admitted over objection.

Mr. Burson offered Government's Identification 17 (Swab James Cloud) for admission.
No objection by defendant.

Court: Government's Exhibit 17 is admitted.

Mr. Burson offered Government's Identification 18 (Swab Donovan Cloud) for admission.
No objection by defendant.

Court: Government's Exhibit 18 is admitted.

Mr. Burson offered Government's Identification 129 (Finger print comparison documentation) for admission.

No objection by defendant.

Court: Government's Exhibit 129 is admitted.

Mr. Burson offered Government's Identification 14A (Coins/Blue Case from Bag) for admission.
No objection by defendant.

Court: Government's Exhibit 14A is admitted.

Mr. Burson offered Government's Identification 8, 8A and 8B (Ruger 22 Rifle, Magazine, .22 Bullets) for admission.

No objection by defendant.

Court: Government's Exhibit 8, 8A and 8B are admitted.

Mr. Burson offered Government's Identification 42 (Photograph of Victim EZ) for admission.
Objection by defendant.

Court: Government's Exhibit 42 is admitted over objection.

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Exhibits 67, 25, 56, 79, 63, 97, 102, 1028, 1023, 1011 discussed with the witness

Lorinda Youngcourt offered Defendant's identification 1028 (photograph of inside of truck with wallet) for admission.

No objection by Government.

Court: Exhibit 1028 is admitted.

Recessed: 3:15 pm

Reconvened: 3:38 pm

All parties present

w/o Jury

The Court and counsel discuss the witness schedule.

3:47 pm Jury brought into open court

All parties present

w/jury

Troy Ribail, FBI Special Agent, resumed the stand, previously sworn to testify

Continued cross examination by Ms. Youngcourt

Exhibits 1009, 1007, 1011, 1023 discussed with witness

Lorinda Youngcourt offered Defendant's identification 1009 (Line-Up 5034 (Morris Jackson)) for admission.

No objection by Government.

Court: Exhibit 1009 is admitted.

Lorinda Youngcourt offered Defendant's identification 1007 (James Cloud side by side photos) for admission.

No objection by Government.

Court: Exhibit 1007 is admitted.

Ms. Youngcourt moved for the conditional admission of Defendant's Identifications 1011, 1023.

Court: Exhibits 1011 and 1023 are conditionally admitted subject to further authentication.

Redirect by Mr. Burson

Exhibit 1028 discussed with witness

Witness steps down

Recess: 4:01 pm

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Reconvened: 4:06 pm
All parties present
w/Jury

4:10 pm Morris Jackson, sworn to testify

Direct examination by Thomas Hanlon

The witness identified the defendant in the courtroom.

Exhibits 48, 14A, 12, discussed with the witness.

The Court admonished the jury and directed them to return on Wednesday, March 2, 2022 to begin court proceedings at 8:30 a.m.

5:02 pm Jury excused from open court
All parties present
w/o Jury

The Court and counsel discuss the witness schedule for tomorrow.

5:05 pm Adjourned